

The CASE of John Prideaux Esq;

Upon his PETITION against FRANCIS STRATFORD Esq; the Sitting Member,
for the Borough of Newport, in the County of Cornwall.

*The Petitioner Complains of Illegal and Arbitrary Proceedings of the Vyanders at the Election;
and of an Undue Return manifestly Injurious to the Petitioner.*

UPON the Day of the Election, the Electors (who are agreed to be those who have Freehold in the Borough, tho' they live out of the Borough, and Inhabitants in the Borough paying Scott and Lot) met at the usual place; and the end of their meeting being made known to them by the Vyanders, a great number of the Electors demanded to be Polled for the Petitioner; but the Vyander adjourned the Poll to a private House, where the doors were shut against all who who offer'd to Vote for the Petitioner; nor were they admitted, but with some disturbance, and after much delay.

When the Poll was taken, SEVENTY TWO Voted for the Petitioner, and only THIRTY NINE for the Sitting Member; and the Petitioner and the Electors desiring Mr. Morrice (one of the Vyanders) to declare the Election; *he answer'd, he would declare it when he would, where he would, and for whom he would;* and then withdrew to his Nephew's House in another County; where, with the other Vyanders only, and without any of the Electors privy or Signing the Indenture (contrary to the constant practice) they made a Return for the Sitting Member; neither did the Vyanders ever declare to the Borough whom they had Returned.

Thus Mr. Morrice made good his Arbitrary Declaration; and William Isbell (the other Vyander, a poor Man, and absolutely managed by Mr. Morrice) being ask'd how he dar'd to make that Return? said *It was only a Money Matter, that Mr. Morrice would save him harmless, and had given him a Bond of 1000l. to Indemnifie him.*

All this was proved by Mr. Horwell Clerk of the Peace for the County of Cornwall; and can be attested by Mr. Cary, and Mr. Manaton, two of the Members of this Honourable House.

Mr. Morrice, to give some colour to this foul practice, having denied the Petitioner a Copy, and a Scrutiny of the Poll, when regularly and duly demanded; about four days after the Election and Return, sent the Petitioner a Paper containing the Names of the Petitioner's Electors, with Exceptions to all but NINE of them, as if they were not qualified; and upon this Scheme the Sitting Member defended himself, before the Honourable Committee of Elections.

But the Petitioner conceives he then fully justified all his Votes but EIGHTEEN at the most, (and those were Inhabitants) which being deducted, his Number will be FIFTY FOUR. And the Petitioner did then disqualifie FIFTEEN of the Sitting Member's Votes, which reduced his Number to TWENTY FOUR; so there remains a Majority on the Petitioner's side of THIRTY, as the Petitioner conceives, and hopes will appear to this Honourable House, by the Report from the said Committee.

The Return therefore is evidently false, and the Petitioner thereby wronged; and he hopes that he shall be adjudged to be duly Elected, notwithstanding the Endeavours used to Incapacitate him upon the pretence of Bribery, or Treating.

The Bribery and Treating pretended, is attempted to be proved by one Hicks, who says *that Mr. Foster brought him Half a Crown from Colonel Speccott, and desired his Vote for the Petitioner: That a great Entertainment of Punch was made at Mr. Horwell's, when Mr. Prideaux was present, and Solicited for Votes: That a Treat was at Mr. Foster's, but he does not say who was present at it: That he drew Ale for about twenty Persons; and that Mr. Foster told him if he would trust for 10s. worth, Mr. Horwell would pay it.*

One Rattenbury says, *That Pepperell told him, that if he would not Vote for the Petitioner, he should lose a pair of Gloves.*

As to the Evidence of Rattenbury, that is only hear-say, and can no way affect the Petitioner.

To the Evidence of Hicks, the Petitioner by his Witnesses has given this (tis hoped clear and convincing) Answer. By Glanville and Kittowe (both Men of good Credit) *That Hicks is now Servant to Mr. Morrice, by whom he said he should get more than by the Petitioner: That Hicks said he would say anything rather than Mr. Stratford should lose the Election, because Colonel Speccott had taken away his Gun, and Mr. Horwell had Sued him since the Election. That he had declared he never had any Order from the Petitioner to draw any Drink.*

Nor is it pretended that the Petitioner ever promised to pay, or did pay for any, or any other person by his direction.

By Mr. Horwell, and Mr. Bewes, Men of good Estates, and as fair Reputations; it is proved, *That Colonel Speccott, a Gentleman of known Worth and Honour, has for fourteen Years past at Christmas time used to be Hospitable and Charitable to the Inhabitants of this Borough, and his Neighbouring Parishioners: That the method of doing it this Christmas before the Election, was by the Advice of, and according to a List given in by Mr. Kittowe, Mr. Stratford's Friend, that the Distribution was without distinction, as well to those who Voted for the Sitting Member and Petitioner, as those who had no Votes at all; and that it was done without any Condition, or any Request made of Voting for the Petitioner.*

Note, That the Inducement for such the Colonel's Charity and Entertainment at Christmas times, was in return to their assisting him in his Harvests, and that they had Money and Corn this Year, but were not Entertained at the Colonel's House as usual, by reason of his extream Illness.

By Mr. Horwell it's prov'd, *That this Entertainment was no more than he used ordinarily at such a Season to make; That it was not made on any design relating to the Ensuing Election; That there was no talk of it by any but Hicks, and that Mr. Prideaux his being there, was purely Casual.*

And as to Mr. Foster's Treat, it is not offer'd to be prov'd that it had any Relation to the Election; nor is it proved that Mr. Prideaux or any of the Electors were there.

Now if it was the Vyanders Duty to return the person who had the Majority of the Electors Voices, and they have no Authority to Judge of the Capacity of the Candidates (as it is hoped they have not) then the Petitioner ought to have been Returned; and if the Honour of so Worthy a Gentleman as Colonel Speccott be rather to be presumed, than the Evidence of a mean interested Fellow admitted to blast it; and if the Evidence of three or four Persons of good Credit and Estates be rather to be believed, than the Evidence of so vile a Fellow as Hicks;

Then 'tis Humbly Hoped the Honourable House of Commons will not adjudge the Petitioner Incapacitated to be a Member, but will Resolve him to be duly Elected.

John Prideaux the PETITIONER,

Against

Francis Stratford Esq; the }
Sitting Member.

THE PETITIONER'S CASE.